



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF G-1
300 ARMY PENTAGON
WASHINGTON DC 20310-0300



April 4, 2003

REPLY TO
ATTENTION OF

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Premium Pay Limitations


Reference the enclosed Principal Deputy Under Secretary of Defense (Personnel and Readiness) memorandum, dated January 22, 2003, that delegates new authority to waive application of the biweekly limitation on premium pay for employees performing work critical to the agency. This authority is provided under 5 CFR 550.106(b), as amended by Public Law 107-107. It is discretionary and separate from the annual limitation applicable to premium pay for work performed in connection with an emergency or its aftermath.

Authority to waive the biweekly premium pay limitation may be exercised by officials to whom personnel appointing authority has been delegated, normally activity commanders or equivalent, and is subject to controls issued by major Army commanders or heads of independent reporting activities. When the biweekly limitation is waived, employees will be subject to the annual limitation on premium pay. Notwithstanding, premium payments listed in 5 CFR 550.107 remain capped on a biweekly basis.

Employees may receive premium pay only to the extent that the payment does not cause their total basic pay and premium pay to exceed the greater of the maximum rate of basic pay for the GS-15 grade level, including any locality adjustment or applicable special salary rate, or pay rate for level V of the Executive Schedule.

Point of contact is Richard Maitz, richard.maitz@asamra.hoffman.army.mil or (703) 325-6816.

FOR THE DEPUTY CHIEF OF STAFF, G-1:


David L. Snyder
Assistant G-1 for Civilian
Personnel Policy

Enclosure

DISTRIBUTION:

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PERSONNEL AND
READINESS

OFFICE OF THE UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



JAN 22 2003

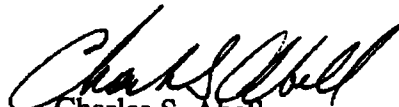
MEMORANDUM FOR ASSISTANT SECRETARY OF THE ARMY (M&RA)
ASSISTANT SECRETARY OF THE NAVY (M&RA)
ASSISTANT SECRETARY OF THE AIR FORCE (MR)
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTORS OF THE DEFENSE AGENCIES
DEPARTMENT OF DEFENSE FIELD ACTIVITIES

SUBJECT: Premium Pay Limitations

Section 1114 of the National Defense Authorization Act for FY 2002 (Public Law 107-107) amended the limitations on premium pay in § 5547 of title 5, United States Code. One change was the addition of a new authority to apply an annual limitation, rather than a biweekly limitation, for work critical to the mission of the agency. The effective date of this amendment was May 5, 2002. On April 19, 2002, the Office of Personnel Management issued interim regulations, amending part 550 of title 5, Code of Federal Regulations (5 CFR 550), to accommodate the changes required by section 1114.

The new authority to waive application of the biweekly limitation on premium pay to employees performing work critical to the agency, under 5 CFR 550.106(b), as amended, is delegated to officials who exercise personnel appointing authority (normally the head of an installation or activity). When the biweekly limitation is waived, the employees will be subject to an annual limitation on premium pay. A change to DoDD 1400.25-M, Civilian Personnel Manual, Subchapter 550, is in process to incorporate this change.

Section 1114 also changed the limitation on premium pay and the treatment of law enforcement officer's pay. The limitation is now the greater of the maximum payable for GS-15 (including any applicable locality pay adjustment or special salary rate) or the rate for Executive Schedule level V. The Defense Finance and Accounting Service is revising the Defense Civilian Pay System to accommodate these changes.


Charles S. Abell
Principal Deputy



**UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000**

PERSONNEL AND READINESS

SEP 13 2001

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN, JOINT CHIEFS OF STAFF
DIRECTOR, ADMINISTRATION & MANAGEMENT DIRECTORS OF THE DEFENSE
AGENCIES
SUBJECT: Personnel Issues related to the attacks on the World Trade Center and the Pentagon

Under authority delegated to me, I have determined that, effective September 11, 2001, these situations meet the emergency criteria within the meaning of title 5 United States Code (U.S.C.) 5547(b). Therefore, effective at the beginning of the first pay period including September 11, 2001, employees performing work directly related to the attacks on the World Trade Center and the Pentagon or their aftermath, are paid under the annual limitation defined in 5 CFR 550.106. Law enforcement officers covered by the biweekly limitation in 5 U.S.C. 5547(c), are not affected by this authority. This limit will apply for the duration of the emergency or until otherwise notified.

You are also reminded that you may excuse employees for extended periods based on criteria contained in DoD 1400.25-M, DoD Civilian Personnel Manual, Subchapter 610, Hours of Duty.

//original signed//
David S.C. Chue

**UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000**

PERSONNEL AND READINESS

SEP 13 2001

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